

APR 24 2007

67,108-089

REMARKS

Applicant respectfully requests reconsideration of this application where claims 1-19 have been cancelled and claims 20 -34 are now pending.

Applicant respectfully traverses the rejection under 35 U.S.C. §102 based upon the *Yun, et al.* reference. *Yun, et al.* does not teach anything about using a window containing a plurality of frames for making a sector switch decision. Instead, only the slots within a single frame are used in *Yun, et al.* For example, paragraph 0076 on page 8 states, "After finally receiving the DM information at the last slot of the corresponding frame, the values of the DM information received at the previous (Ns*n)-1 slots are soft-combined with the value of the last DM information. Based on the result from the soft-combining, the base station detects the switching intention of the mobile station finally." In other words, only one frame provides the information for a final decision regarding the switching intention of the mobile station. As each frame is treated separately for a final decision, there is no use of a window comprising a plurality of frames. Therefore, none of Applicant's claims are anticipated and none can be considered obvious.

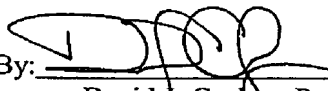
Applicant believes that this case is in condition for allowance.

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If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

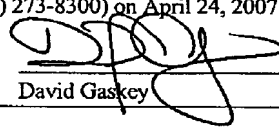
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Dated: April 24, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Response relative to Application Serial No. 10/822,434 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on April 24, 2007.


David Gaskey